

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN

RAMONDA JACKSON and  
TROY YOWMAN,  
Plaintiffs,

-vs.-

**DEMAND FOR JURY TRIAL**

WINDHAM PROFESSIONALS, INC.  
a foreign corporation,  
Defendant.

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**COMPLAINT & JURY DEMAND**

Plaintiffs Ramonda Jackson and Troy Yowman, through counsel, Nitzkin and Associates,  
by Gary Nitzkin state the following claims for relief:

**JURISDICTION**

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

**PARTIES**

3. The Defendant to this lawsuit Windham Professionals, Inc. which maintains registered offices in Ingham County, Michigan.

## **VENUE**

4. The transactions and occurrences which give rise to this action occurred in Bexar County.
5. Venue is proper in the Western District of Michigan.

## **GENERAL ALLEGATIONS**

6. Defendant is attempting to collect on a consumer type debt allegedly owed by Plaintiff, Ramonda Jackson.
7. On or about August 25, 2011, Defendant called Troy Yowman, who is Jackson's boyfriend, and demanded that he pay the Plaintiff's alleged debt.
8. In a subsequent conversation, Yowman called Defendant and was complaining about the way the prior representative spoke to him.
9. During this conversation new defendant representative informed Yowman about Jackson's debt.
10. To date, Jackson has not received anything in writing from Defendant.
11. The Plaintiffs have suffered damages as a result of these violations of the FDCPA.

## **COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

12. Plaintiff reincorporates the preceding allegations by reference.
13. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

14. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

15. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

16. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;

17. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

## **COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE**

18. Plaintiff incorporates the preceding allegations by reference.

19. Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).

20. Plaintiff is a debtor as that term is defined in M.C.L. § 339.901(f).

21. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §339.915

22. Plaintiff has suffered damages as a result of these violations of the Michigan Occupational Code.

23. These violations of the Michigan Occupational Code were willful.

## **COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT**

24. Plaintiff incorporates the preceding allegations by reference.

25. Defendant is a "Regulated Person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.

26. Plaintiff is a "Consumer" as that term is defined at MCL § 445.251.

27. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §445.252

28. Plaintiff has suffered damages as a result of these violations of the MCPA.

29. These violations of the MCPA were willful.

### **DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury in this action.

### **DEMAND FOR JUDGMENT FOR RELIEF**

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted,

September 21, 2011

/s/ Gary D. Nitzkin

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